

A Study of the Implementation of a Legal Framework for Supporting Children with Disabilities in Regular School

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Introduction

Serbia has a long tradition of providing special education for children with special needs and disabilities. According to the Department for Improvement of Education and Upbringing (*Guidelines for Upbringing and Education of Children with Disabilities and Learning Difficulties*, 2007), there are in Serbia 48 primary (8 grades) and 25 secondary (4 grades) special schools for children with disabilities divided into the following categories: 54 schools for children with intellectual challenges; 12 for children who are deaf or hard of hearing; 3 for children who are blind or visually impaired; 3 for children with psychosocial difficulties and 1 for children with motor disabilities. Organizationally speaking, these secondary and primary schools usually function within the same framework. The total number of pupils who attend these schools is 7.431. At the same time, in 88 (82 primary and 6 secondary) regular schools, there are 3.715 children with disabilities in special classes. In addition, the Department

for Improvement of Education and Upbringing reported 18.032 children attending regular primary school classes and having visual, hearing and/or physical impairments, cerebral palsy, intellectual challenges, autism, reading and writing difficulties, mathematics difficulties, motor disabilities, emotional difficulties, hyperactivity or other challenges.

A recent extensive research project conducted by Golubovic et al. (2005) provides us with a detailed description of a regular school system which is – at least when judged on the basis of the physical presence of children with special needs- partly open to their presence. Researchers have evidence that children with special needs and disabilities, especially children with speech disorders, behavioural and/or emotional difficulties and learning difficulties, are currently attending regular schools. However, when we move from the surface to a more in-depth study of the teaching and learning context of these reported children with special needs, we note many problems which prevent further development towards practicing inclusion and thus providing “a school for all”. These problems include legislation that is not put into practice, lack of knowledge regarding individual curricula development, lack of coordination between ordinary and individualized teaching, and firm restraint when it comes to reporting children’s knowledge according to general numerical standards. It also concerns a lack of coordinated and comprehensive training of teachers in skills needed for teaching tailored to individual pupil needs, lack of material resources and encouragement for teachers participating in inclusive programmes. In addition, the problem is a matter of limited knowledge about the abilities of children with special needs as well as about successful models of their inclusion, leading to teachers and parents forming negative attitudes towards inclusive education (Jablan & Hanak, 2007; Rapaić, 2001; Todorović, Vuković & Hanak, 2003).

Among the visible developments towards implementing inclusive education in Serbia are:

- The existence of schools (mainly primary schools) with classes for children with special needs (mainly children with learning difficulties). Although children attending these classes are separated from other children attending regular curriculum classes, they at least share the same surroundings, namely the same school attended by children in their neighbourhood.
- According to the Law on the Foundations of the System of Education of the Republic of Serbia (2003, 2009), schools are obliged to accept children with special needs and all children have the right to regular education (at least on paper).

- There are two experimental inclusive schools (one in Belgrade and one in Subotica) with extensive preparation of all stakeholders preceding admission of children with special needs.
- The first democratic government founded a department within the Ministry of Education and Sports which aimed at building a strategy of inclusive education. The Department for the Improvement of Education and Upbringing is working on a final proposal for a “Strategy of Upbringing and Education of Children with Disabilities and Learning Difficulties”.
- The program catalogue for further and in-service education for teachers (2006/2007) includes two certified programmes devoted exclusively to the promotion of inclusive education.

The role of comparative classroom research towards inclusion in supporting transformation of regular schools into schools open to inclusive practices

Our contribution to this this research cooperation deals with investigating the following phenomena:

- 1) the organizational specifics in teaching a child with disabilities
- 2) communication and support between the teacher and child with disabilities, focusing on children with disabilities as receivers in the inclusive education process.

Findings will be discussed in a micro context related to teachers’ attitudes, competences, and recourses as well as the specifics of the selected children. It will also be discussed in a macro context, including curriculum and total school resources in the process towards inclusion.

In our part of the international research project “Comparative Classroom Studies towards Inclusion” (Johnsen, 2013), we have decided to investigate the following topics:

- Frame factor: Inclusion in Serbian legislation
- Pupil: Individual educational curriculum (existing, achieving and support)
- Teacher: Individual educational curriculum (making, implementing and competences)
- Communication: Contextual communication (focus pupil, teacher, other pupils in activities)
- Contents: Mother tongue / first language (reading, writing, reading comprehension).

We strongly believe these are fundamental aspects in the consideration of inclusive education initiatives in Serbia.

General goals and specific research questions

The processing of a legal framework includes the possibility of bringing about inclusive education in our country, and we aim to study the way legislation is enforced in relation to individual educational curriculum implementation. Is it possible to make and implement an individual educational curriculum in a particular school in a particular class, attended by a child with disabilities? In which way is the teaching of a particular subject adapted to a child's needs and abilities concerning objectives, content and tasks?

Research questions

1. In which way do legal regulations support inclusive education in Serbia?

We assume that the question of inclusion is regulated in every country from different legal aspects and levels. However, there are differences regarding how to interpret the concept of inclusive education, and various solutions are suggested. When laws related to education and social protection are discussed, one should be aware of differences in legal standards given that they are related to the overall societal development taking place in every single country. These differences are especially emphasized with respect to standards in European Union countries and candidate members. Legislative adaptation in countries that are candidate members is a very long process that involves achieving the same values as the ones existing in the European Union, not only in the field of legislation, but concerning more detailed standards as well.

The documents we are going to analyse are: Law on the Foundations of the System of Education (2003; 2009), Regulation of Additional Educational, Medical and Social Support for the Child and Pupil (2010), the Disability Anti-Discrimination Law (2006) and the Elementary School Law (1992).

We aim to answer the following questions:

- Where does inclusion appear in national legislation?
- How does national legislation define children with special needs and disabilities?
- When it comes to inclusion, what is the legally guaranteed scope for children with disabilities?
- How (in)consistent are particular laws on this topic?

2. The pupil: Individual educational curriculum (existing, achieving and support) Related to the Law on the Foundations of the System of Education (2003, 2009), the possibility to enrol children with disabilities in regular schools is anticipated, as it is quite obvious that these pupils are not able to master a regular educational curriculum; therefore, the possibility of individual curriculum creation through legal means is anticipated. However, we do not have a clear insight into how and in which way these curricula related to actual pupils are to be adapted. This is a novelty in Serbian legislation, and it is difficult to assume that teachers are able to practice it without some form of additional help. This conclusion is an outcome of teachers' lack of competence for working with children with disabilities, especially with designing and implementing individual educational curricula. Moreover, if these curricula come into existence, it will be important to gain insight into the affected children's achievements and mastering of these curricula as well. Therefore, while closely considering these questions, we will also focus on the actual support that children with disabilities receive in regular schools. It is necessary to gain more detailed insight into this topic, as we find it very important for the process of achieving educational inclusion. The goal is to obtain crucial data in answer to the following research questions:

- Do teachers adapt different aspects of teaching to a child in accordance with his/her abilities and needs?
- Has the curriculum content been designed to coordinate with the child's abilities, interests and needs?
- What degree of differentiation does a child need in the following areas?
 - Content
 - Methods
 - Objectives
- Do teachers have a plan (long-term, short-term)?
- Is the curriculum of a particular subject open and flexible?
- Is the content based on an actual level of the child's achievement?
- Is there any correlation between functional and academic content?
- Is there any thematic planning?
- Is there any connection between the various curriculum topics?
- Have individual educational curricula been satisfactorily implemented?

3. Teacher: Individual education curriculum (planning and implementing and professional competence building). The goal of this study is to obtain detailed insight into the teacher-pupil relationship as it pertains to planning and

implementing an individual curriculum, exploring which planned curricular components lead to successful practices. An important component is assessment of pupils' capacity for learning and levels of mastery as a baseline for revision and further development individual curricula. As a consequence of assessment the next step in the study and competence building is assumed to be the formulation of expected achievements over time, followed by actually revising other components of the curriculum and defining the mode of implementing and evaluating it. Affiliated research questions:

- What are the teacher's resources for adapting his/her teaching to the child's individual needs?
- Is individual adaptation practiced for each child or just for children with disabilities? (We assume that all children may have certain differences demanding individual teaching adaptation.)
- How much special needs educational support and cooperation do they receive from teams of school experts?
- How much do they rely on other teaching colleagues?
- Do they use any specialized literature?
- Do they consult experts of a particular disability in order to better understand a child's abilities and constraints?
- How do they implement newly acquired information, support and advice?
- Are there supportive teacher-parent-expert services?
- Who coordinates the child's support services, and how is this done?
- Is there any teaching assistant on staff to help children with special needs?

4. Communication: Contextual communication (focus pupil, teacher and other pupils involved in activities). Contextual communication is of great importance for pupils with disabilities who attend regular schools. The success of pupils depends on the communication they share with their teacher and fellow pupils. In addition, the communication between pupils is crucial for the acceptance and social wellbeing of pupils with disabilities in the school environment. Relevant research questions are thus:

- How many times does a teacher refer to a disabled pupil during a classroom session?
- How many times does a disabled child refer to a teacher during a classroom session?
- Does the child cooperate with other pupils in group work?
- Does the teacher show positive feelings towards pupils?

- How much does a teacher check (if at all) whether the pupil understands information conveyed by him/her?

5. Contents: Mother tongue/first language (reading, writing and reading comprehension). We believe that the assessment of a pupil's first language ability is important in many ways, as it forms the basis for communication and enables educators to make a good prediction of how well the pupil will perform in other school subjects. Delimiting the study's focus to one school subject is also a reason for selecting the subject mother tongue, consisting of reading, writing and reading comprehension skills (including recitation and prose) for examination. The following research questions are posed:

- Is the pupil able to read?
- Quality of the pupil's reading: average, below or above average for his/her grade level?
- Is the reading speed average, below or above average for his/her grade level?
- Is the pupil able to write?
- Is the quality of letters and words average, below or above average for his/her grade level?
- Is the writing speed average, below or above average for his/her grade level?
- Is the pupil able to recite/interpret texts?
- Is the quality of interpretation average, below or above average for his/her grade level?
- Which marks has the pupil attained in the subject Serbian language/mother tongue?

Methodology

Data collection procedure

The analysis of the legal framework and legislation related to inclusive education will be completed through document analysis of laws concerning inclusion of children with disabilities. The inclusion process will be examined in a regular primary school through a study of a child having some form of disability in a regular class. The development of an individual educational curriculum and adaptation of a school subject will be analysed simultaneously. The following participants in the inclusion process will be involved in the study: a child, a teacher, parents and an expert school service team (which include educators and/or psychologists and when possible special needs educators).

Methods and instruments in data collection

In order to obtain answers to the research questions concerning how the individual educational curriculum is realised (if at all), the technique of conducting open, semi structured interviews will be applied. Interviews concerning resources will be conducted with a teacher. In addition, observation via camera monitoring and video taping of communication between teacher and pupil will be used in order to collect important data on the realization of the individual educational curriculum.

Data analysis

We will use qualitative text analysis to analyse data concerning the legal framework and legislation concerning inclusive education (including the curriculum of one particular school subject and individual education). Other qualitative methods will be applied in the analysis of data obtained through semi structured interviews. We will also analyse data obtained through monitoring video materials. Observation data will be subsequently analysed both qualitatively and quantitatively. Particular variables are to be defined, and their frequencies and interrelations assessed.

Relevant research ethical issues

Relevant research ethical issues concern pupils, parents and teachers participating in the study. The privacy of pupils will be protected throughout the research project, which also includes the processing of data filmed in a class as well as presentation of results. This means that all pupils in a class – and not just one pupil with a disability – will be monitored and filmed. The name and surname of the selected pupil with disabilities will neither be published nor used in public or in any other form.

Ethical issues concerning parents refer to obtaining their permission to monitor and videotape their children, and for this purpose, we will ask them to sign a written consent form in which 1) the research conditions are clearly defined and 2) the manner in which the research results will be used is clearly outlined.

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Modifications to the initial project plan undertaken during the research process of the Belgrade University research group

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During the research process we have undertaken some modifications of our initial plan related to research questions and research methods.

First, concerning the research questions, we decided to put less emphasis on the academic achievements of children with disabilities in regular schools than initially planned. This decision was made since the main focus of our research was a pilot program of cooperation between a regular school and a special school in the process of achieving inclusive education. Due to this change, we decided to complete a thorough investigation of the teaching and learning process in a relatively small number of inclusive classrooms instead of measuring the academic achievement of a larger number of pupils. We assumed that this would be more useful for creating suggestions to the further development of inclusive education.

Another modification of the initial research plan relates to data collection. Instead of videotaping and coding video material, we collected observational data on the teaching and learning process and used written observation reports in the coding. The reason for this modification was that certain educational authorities were reluctant to allow videotaping. Variables of interaction that were the focus of the observation were developed during the study. In the initial plan, these variables were defined broadly. During pilot observations, we gained further insight into which aspects of the interaction are important and salient in relation to our research questions. Based on this findings, we have selected coding schemes from existing literature (Klette et al., 2005, Wehmeyer et al., 2003), which we will modify and adjust to our research questions related to the teaching and learning process in inclusive classrooms.

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